

REMARKS

At the outset, Applicants wish to thank the Examiner for the thorough review and consideration of the subject application. The Final Office Action dated July 15, 2003 and Advisory Action dated October 29, 2003 have been received and their contents carefully noted. Claims 1, 7, 12 and 22-23 have been amended to correct informalities. Accordingly, claims 1-23 currently are pending in this application.

Applicants wish to thank the Examiner for indicating claims 3-15, 18-20, and 22 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Further, in the Office Action the Examiner requested a more descriptive title; claims 7, 12, 22-23 were objected to as containing informalities; claim 23 was rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement; claims 1-2, 16-17, 21, and 23 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,946,061 issued to Kurihara et al. ("Kurihara") in view of U.S. Patent No. 5,334,993 issued to Okajima et al. ("Okajima"). Applicants respectfully traverse these rejections and reconsideration is hereby requested.

Claim Objections

In the Office Action, claims 7, 12, and 22-23 have been objected to for containing informalities. Applicants respectfully traverse these objections and reconsideration is hereby requested. Applicants respectfully submit that amended claims 7, 12 and 23 are in full compliance with the Examiner objections.

Rejections Under 35 U.S.C. § 112

In the Office Action, claim 23 was rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. This rejection is respectfully traversed.

Applicants respectfully direct the Examiner to the § 2163.04 of the MPEP disclosing:

The inquiry into whether the description requirement is met must be determined on a case-by-case basis and is a question of fact. *In re Wertheim*, 541 F.2d 257, 262, 191 USPQ 90, 96 (CCPA 1976). A description as filed is presumed to be adequate, unless or until sufficient evidence or reasoning to the contrary has been presented by the examiner to rebut the presumption. See, e.g., *In re Marzocchi*, 439 F.2d 220, 224, 169 USPQ 367, 370 (CCPA 1971). ***The examiner, therefore, must have a reasonable basis to challenge the adequacy of the written description. The examiner has the initial burden of presenting by a preponderance of evidence why a person skilled in the art would not recognize in an applicant's disclosure a description of the invention defined by the claims.*** *Wertheim*, 541 F.2d at 263, 191 USPQ at 97.

See MPEP § 2143 (8th Ed., Rev. February 2003)(emphasis added).

The Examiner has not established with a preponderance of evidence why a person skilled in the art would not recognize the invention defined by the claims. Rather, the Examiner merely asserts, “[t]he specification does not describe having the groove shape portion formed in one of the main portions of the second receptacle module.” (Office Action at 3).

Further, the feature of claim 23 is readily apparent from the drawings and the specification, for example, FIG. 13 showing a lamp unit 221 being received by a groove shaped portion in the main portion of the mold frame 1600. Accordingly, Applicants respectfully

request withdrawal of the rejection as claim 23 is in full compliance with 35 U.S.C. § 112, first paragraph, and the Examiner has not meet the requisite burden.

Rejections Under 35 U.S.C. § 103

In the Office Action, claims 1-2, 16-17, 21, and 23 have been rejected under 35 U.S.C. § 103(a) for being unpatentable over Kurihara in view of Okajima. This rejection is respectfully traversed.

Claim 1 is allowable over the cited references in that claim 1, recites a combination of elements of elements including for, example, “first mold frame and second mold frame including a groove shape portion for supporting the back light assembly.” None of the cited references either singly or in combination teaches or suggests at least features.

In levying an obviousness rejection under 35 U.S.C. 103, the PTO has the burden of establishing (1) that the prior art references, when combined, teach or suggest all the claim limitations, (2) some suggestion or motivation to modify the reference or to combine reference teachings, and (3) a reasonable expectation of success. *See* MPEP § 2143 (8th Ed., Rev., Feb. 2003).

The references fail to teach or suggest, for example, a “first mold frame and second mold frame including a groove shape portion for supporting the back light assembly” as required by claim 1. Accordingly, Applicants respectfully submit that claim 1 and claims 2-19, which depend from claim 1, are allowable over the cited references.

Claim 21 is allowable for similar reasons as discussed above with respect to claim 1. Additionally, claim 21 recites a combination of elements of elements including, for example, “a

first receptacle module and a second receptacle module arranged together for enclosing a receiving space for the back light assembly, wherein the second receptacle module includes a main portion and extension portion substantially perpendicular to the main portion; and a groove shape portion formed along a surface of the second receptacle module for supporting the back light assembly.” None of the cited references either singly or in combination teaches or suggests at least features. Accordingly, Applicants respectfully submit that claim 21 and claims 22-23, which depend from claim 21, are allowable over the cited references.

The Federal Circuit has recently emphasized the importance of evidencing the requisite motivation to combine references when rejecting claims based upon obviousness. *In re Lee*, 277 F.3d 1338 (Fed. Cir. 2002). In the present case, the Examiner has failed to make the requisite showing, as articulated in *Lee* and its predecessors, of a motivation to combine the cited references. In fact the Examiner has provided what appears to be an erroneous statement of motivation for combining Kurihara and Okajima.

The Examiner asserts it would have been obvious to combine Kurihara and Okajima in order to have a uniform display surface and improved display quality. (Office Action at 5). Applicants respectfully submit that there is no motivation to combine Kurihara with Okajima. It appears that the Examiner is picking and choosing parts of Okajima to satisfy the requisite elements in the claim, and then assembling these parts with Kurihara without the requisite motivation. This clearly amounts to using hindsight reconstruction with the present invention’s specification as a blueprint. This is improper, as the only motivation would be impermissible hindsight.

Also, the Examiner is attempting to substitute the liquid crystal display (2, FIG. 3-4) of Okajima for the liquid crystal panel (11, FIG. 2) of Kurihara, wherein there is no reasonable expectation of success for such a combination. Additionally, this substitution would also be an impermissible change in the principal operation of the primary reference. *See* MPEP §2143.

Applicants, respectfully direct the Examiner to FIGS. 3-4 of Kurihara showing a liquid crystal panel of Kurihara having a requiring a unique configuration. The Examiner is respectfully directed to the following disclosure of Kurihara:

FIG. 3 is an enlarged perspective rear view showing how the support body is fitted into the liquid crystal panel. FIG. 4 is a perspective view showing the support body fitted into the liquid crystal panel. The groove 13c of the support body 13 is fitted into the space 12b between the protrusion 12 and the side surface 11b of the liquid crystal panel 11 and engages the liquid crystal panel 11. Thus, the groove 13c of the support body 13 serves as a means of limiting movement of the support body 13 in an x direction shown in FIG. 3. In addition, since the vertical flat surface 13b of the support body 13 and the side surface 11b of the liquid crystal panel 11 are in surface contact with each other, the mechanical fixing strength between the support body 13 and the liquid crystal panel 11 is high in y and z directions.

Furthermore, the flat surface 12a of the protrusion 12 of the liquid crystal panel 11 is provided with a screw hole 12d which is a through hole. The screw hole 12d is provided at a position which is aligned with the screw hole 13d of the support body 13 when the liquid crystal panel 11 engages the support body 13.

Kurihara at col. 3, lines 8-26.

The liquid crystal display of Okajima does not fit these requirements. For example, Okajima has a different support body and mechanisms for support of their liquid crystal display. There is no teaching to change the support members. Thus, this would amount to an


impermissible change of the primary reference. Accordingly, the Examiner has failed to establish a *prima facie* case of obviousness as the references are improperly combined.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, claims 1-23 are in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,



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